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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/612,429	07/02/2003	Qiong Liu	FXPL-01064US0	6567
23910	7590	03/25/2009		
FLIESLER MEYER LLP 650 CALIFORNIA STREET 14TH FLOOR SAN FRANCISCO, CA 94108			EXAMINER MONIKANG, GEORGE C	
			ART UNIT 2614	PAPER NUMBER
			MAIL DATE 03/25/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/612,429

Applicant(s)

LIU ET AL.

Examiner

GEORGE C. MONIKANG

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 December 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) 2-4, 10-13, 15 and 16 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 5-9, 14 and 17-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 12/10/2008 have been fully considered but they are not persuasive.
2. With regards to applicant's argument that the Omoigui reference fail to disclose a graphical user interface (GUI), the examiner maintains that Omoigui discloses video content viewed via a computer over the internet (*Omoigui, col. 1, lines 40-48: pixels associated with the video: content from the first location is streamed to a user over the internet*).

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:
 1. Determining the scope and contents of the prior art.
 2. Ascertaining the differences between the prior art and the claims at issue.
 3. Resolving the level of ordinary skill in the pertinent art.
 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. Claims 1, 5-8, 14, 17-18 & 20-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Omoigui, US Patent 7,237,254 B1, in view of Frederick, US Patent 5,757,424. (The Frederick reference is cited in IDS filed 5/28/2004)
4. Re Claim 1, Omoigui discloses a method for managing audio devices located at a live event during the live event (col. 1, lines 40-48), comprising: capturing video content of the live event at a first location (col. 1, lines 40-48), wherein different areas of the video content are associated with the audio device located at the first location, the audio device capturing audio in the live event (col. 1, lines 40-48: pixels associated with the video); providing the video content of the live event captured at the first location to a user at a second location during the live event wherein the user views the video content in a graphical user interface (GUI) (col. 1, lines 40-48: pixels associated with the video: content from the first location is streamed to a user over the internet); receiving a selection of a first region of the video content (col. 1, lines 40-48: pixels associated with the video), the selection made by a user during the live event using the GUI (col. 1, lines 40-48: pixels associated with the video: selection made by a user controlling the camera at the first location); selecting the audio device at the first location associated with the at least one area within the first region of the video content (col. 1, lines 40-48: pixels associated with the video and audio); and providing live audio from the selected audio device at the first location to the user at a second location (col. 1, lines 40-48: pixels associated with the video); but fails to disclose the video content being associated with a plurality of audio devices. However, Frederick discloses multiple audio devices associated with different regions of a video content (Frederick, figs. 1, 2 & 4: 101; col. 3,

lines 31-45). Thus it would have been obvious to use a plurality of audio devices associated with the video content at a live location (Frederick, figs. 1, 2 & 4: 101; col. 3, lines 31-45) for the purpose of providing the user at a remote location the ability to edit specific regions of a video content.

Claims 5, 7, 14, 18 & 20 have been analyzed and rejected according to claim 1.

Re Claim 6, which further recites, "Wherein the parameters include signal to noise ratio." Omoigui and Frederick do not explicitly disclose a signal to noise ratio as claimed. Official notice is taken that both the concepts and advantages of providing a signal to noise ratio are well known in the art. It would have been obvious to use a signal to noise ratio since it is commonly used to identify the amount of background noise interference in a sound signal as a means to select the audio devices.

Re Claim 8, the combined teachings of Omoigui and Frederick disclose the method of claim 1, providing 2-way audio between the user and a second user, the user located at a remote location and the second user located at a first location associated with the video content (Frederick, abstract: video communication with remote location can include audio).

Claim 17 have been analyzed and rejected according to claim 6.

Claim 21 has been analyzed and rejected according to claims 1 & 6.

Claim 22 has been analyzed and rejected according to claim 8.

Claim 23 has been analyzed and rejected according to claims 1 & 8.

Re Claim 24, which further recites, "Wherein the audio device includes a far-field microphone and a close-talking microphone" as claimed. The combined teachings of Omoigui and Frederick fail to disclose a far-field microphone and a close-talking microphone as claimed. Official notice is taken that both the concepts and advantages of providing a far-field and close-talking microphone are well known in the art. Thus it would have been obvious to provide far-field and close-talking microphones to capture various sounds at the live event to provide a viewer with a realistic sound of the live event.

1. Claims 9 & 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Omoigui, US Patent 7,237,254 B1 and Frederick, US Patent 5,757,424 as applied to claim 1 above, in view of Takahashi et al, US Patent 6,654,498 B2 and further in view of Rui et al, US Patent 7,349,005 B2.

Re Claim 9, Omoigui and Frederick disclose the method of claim 1, but fail to disclose further comprising: automatically selecting a second region of the video content, the second region of the video content including at least one second area of the video content associated with a second weight and selected as a result of detecting motion in the video content (*Takahashi et al, col. 5, lines 18-32*), the first region of the video content including at least one area of the video content associated with a first weight (*Takahashi et al, col. 5, lines 18-32; col. 5, lines 47-52*). However, Takahashi et al does. The combined teachings of Omoigui and Takahashi et al fail to disclose wherein providing audio includes: providing audio from the audio device associated with

the region of the video content associated with the highest weight (Rui et al. col. 23, line 63 through col. 24, line 23). However, Rui et al does.

Taking the combined teachings of Omoigui, Frederick, Takahashi et al and Rui et al as a whole, one skilled in the art would have found it obvious to modify the method of Omoigui and Frederick with automatically selecting a second region of the video content, the second region of the video content including at least one second area of the video content associated with a second weight and selected as a result of detecting motion in the video content (Takahashi et al. col. 5, lines 18-32), the first region of the video content including at least one area of the video content associated with a first weight (Takahashi et al. col. 5, lines 18-32; col. 5, lines 47-52) as taught in Takahashi et al for the purpose of increasing the freedom of image transmission, improving the operability and externally transmitting the intended information with providing audio from the audio device associated with the region of the video content associated with the highest weight (Rui et al. col. 23, line 63 through col. 24, line 23) as taught in Rui et al for the purpose of taking into account the desires of the listening/viewing audience.

Claim 19 has been analyzed and rejected according to claim 9.

Conclusion

2. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GEORGE C. MONIKANG whose telephone number is (571)270-1190. The examiner can normally be reached on M-F. alt Fri. Off 7:30am-5:00pm (est).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chin Vivian can be reached on 571-272-7848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/George C Monikang/
Examiner, Art Unit 2614

3/14/2009

/Vivian Chin/

Supervisory Patent Examiner, Art Unit 2614